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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/034,467	12/27/2001	Richard Alan Barraclough	Gerry01	2184

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EXAMINER

MUHEBBULLAH, SAJEDA

ART UNIT	PAPER NUMBER
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2174

DATE MAILED: 10/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/034,467	Applicant(s) BARRACLOUGH, RICHARD ALAN	
	Examiner Sajeda Muhebbullah	Art Unit 2174	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12/27/2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>12/27/01</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 7-11 and 14-17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 7 recites the limitation "the application software's" in lines 4 and 8. Claim 8 recites the limitation "the application software[s]" in lines 3-4, 6, 8, 10 and 14. Claim 8 recites the limitation "the setup wizard file" in lines 4, 7, 9 and 14. Claim 8 recites the limitation "the default answers" in line 6. Claim 8 recites the limitation "the contents" in line 7. Claim 8 recites the limitation "the contents of the file" in lines 8-9. Claim 9 recites the limitation "the application software[s]" in lines 3-4. Claim 9 recites the limitation "the setup wizard file" in lines 4 and 6. Claims 9-10 recites the limitation "the answer[s]" in line 5-6 and 8. Claim 10 recites the limitation "the application software[s]" in lines 3-4 and 10. Claim 10 recites the limitation "the setup wizard file" in lines 4 and 6-7. Claim 11 recites the limitation "the application software" in line 2. Claim 15 recites the limitation "the setup wizard file" in line 1. Claim 16 recites the limitation "the application software" in line 1.

There are insufficient antecedent basis for these limitations in the claims.

The above noted problems are not necessarily an exhaustive listing, but are meant to be exemplary of the types of errors presented. It is incumbent upon Applicant to ensure that any

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amendment filed resolves all deficiencies and places the claims in compliance with 35 U.S.C.

112.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1, 3-4, 6-7, 9-14, and 16-21 are rejected under 35 U.S.C. 102(e) as being anticipated by Wiginton, III et al. ("Wiginton", US 2002/0087966).

As per claim 1, Wiginton teaches a computer program process, called a wizard builder, executable on a computer, for adapting an application program to function with devices or sensors monitoring or controlling a process occurring in real-time, wherein the wizard builder constructs a setup wizard which sets up a de facto interface between the devices or sensors and the application program, wherein the setup wizard is constructed by means of asking a human user of the application program simple verbal questions, in English or other language convenient to a human user, about the model and manufacturer of the devices or sensors, and wherein the wizard builder does not require a human user to have any knowledge of writing or using computer programs (para. 25).

As per claims 3-4, Wiginton teaches the computer program process, wherein the setup wizard constructed by the computer program process in the form of a disk file is adapted to be

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moved to another computer by a human user without any knowledge of writing computer programs (para. 38, lines 12-18).

As per claim 6, Wiginton teaches the process further comprising a server program which contains data values for many devices or sensors for monitoring or controlling a process occurring in real-time, and wherein the setup wizard sets up a de facto interface between the application program, and the server program (para.23; para.38, lines 15-27).

As per claim 7, Wiginton teaches a process for creating the setup wizard comprising the steps of:

- (a) the user's instructing the application program to create a wizard (para.36, lines 4-5),
- (b) the application software's displaying verbal questions for the user requesting details of connection to, and operating properties of, or both, a first device or sensor, and subsequently, in sequence, of any other devices or sensors having different connection details or operating properties (para.36, lines 18-35), and
- (c) the application software's storing answers in a setup wizard file which defines the setup wizard (para.36, lines 35-40).

As per claim 9, Wiginton teaches a process for running a setup wizard comprising the steps of:

- (a) the user's asking the application software to run a wizard (para.38, lines 4-7),
- (b) the application software's reading the setup wizard file (para.38, lines 11-13),
- (c) the wizard's determining whether the answers to verbal questions are already in

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the setup wizard file or can be inferred from the answers in the setup wizard file, and (d) if the answer in the preceding step is yes, stopping the process, whereby the application is left in a state of having connection details and properties of the devices or sensors (para.38, lines 23-36).

As per claim 10, Wiginton teaches a process for running a setup wizard comprising the steps of:

- (a) the user's asking the application software to run a wizard (para.38, lines 4-7),
- (b) the application software's reading the setup wizard file (para.38, lines 11-13),
- (c) the wizard's determining whether the answers to all the verbal questions are already in the setup wizard file or can be inferred from the answers in the setup wizard file, (d) if the answer to the preceding question is no, the wizard's asking the user for information that is unique to a new sensor or device, and (e) the application software's incorporating connection details and properties of a new device or sensor (para.38, lines 23-36).

As per claim 11, Wiginton teaches the wizard builder computer program process to be contained within the application software, and wherein a wizard file is held on a memory means within a computer (para.36, lines 35-40).

As per claim 12, Wiginton teaches the computer program process wizard operates without the use of script files (para.25, lines 4-6; code).

As per claim 13, Wiginton teaches a computer program process which uses a wizard to create wizards, for use in connection with application programs, and which does not use scripts (para.25, lines 1-8).

As per claim 14, Wiginton teaches the setup wizard file to be adapted to be moved to another computer for use with the same or similar application program installed in the other computer (para.38, lines 12-18).

As per claim 16, Wiginton teaches the process wherein the computer running the application software comprises a personal computer, containing a communications card and server software that drives and communicates with the communications card, and wherein the personal computer may be running any suitable operating system software means (para.21, lines 7-20).

As per claim 17, Wiginton teaches the wizard file to be adapted to be moved to another computer by a process of using a transfer means selected from the group consisting of: a floppy disk, serial link, network connection, or email (para.38, lines 12-18).

Claims 18-20 are individually similar in scope to claim 3, and are therefore rejected under similar rationale.

As per claim 21, Wiginton teaches a wizard builder computer program implemented as a wizard that does not use scripts to build the wizard (para.25, lines 1-8).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

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6. Claims 2, 5, 8, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wiginton, III et al. ("Wiginton", US 2002/0087966) in view of Gauthier et al. ("Gauthier", US 6,502,234).

As per claim 2, Wiginton teaches altering a setup wizard (para. 30, lines 1-2). However, Wiginton does not disclose the computer program process, wherein a human user of the application program can alter and create another setup wizard, which can be run to set up an application program with connection details and properties of other devices or sensors. Gauthier teaches a process of modifying a wizard to create a new wizard that specializes in setting up other devices (col.7, lines 40-51). It would have been obvious to one of ordinary skill in the art at the time of the invention to include Gauthier's teaching with Wiginton's process in order to save time in creating wizards.

As per claim 5, Wiginton teaches wherein the setup wizard is adapted to be altered by a wizard program which displays original answers to the verbal or other suitable language questions and provides a prompt for a human user to enter new answers about the devices or sensors (Fig.2C).

As per claim 8, Wiginton teaches a process for altering the setup wizard (para.30, lines 1-2). However, Wiginton does not disclose the steps of (a) the user's instructing the application software to alter the setup wizard, (b) the application software's rerunning the verbal questions asked when the setup wizard file was created, (c) the applications software's setting the default answers to the verbal questions from the contents of the setup wizard file, (d) if the user alters a previous answer, the application software's altering the contents of the file for the setup wizard file, (e) the application software's asking the user by verbal questions for details of

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connection to, or operating properties of, or both, a first device or sensor, and subsequently, in sequence, any other devices or sensors having different connections details or operating properties and (f) the application software's storing any alternate answers in the setup wizard file. Gauthier teaches a process of altering a wizard to create a new wizard comprising of the above mentioned steps (col.19, lines 40-65). It would have been obvious to one of ordinary skill in the art at the time of the invention to include Gauthier's teaching with Wiginton's process in order to save time in creating wizards.

As per claim 15, Wiginton teaches the setup wizard file to be adapted to be moved to another computer for use with the same or similar application program installed in the other computer (para.38, lines 12-18).

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Jiang (US 6,564,375) teaches a method of altering a wizard.

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Communications

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sajeda Muhebbullah whose telephone number is (703) 305-0720 (*note after Oct. 20th number will be changed to (571)272-4065*). The examiner can normally be reached on Tuesday/Thursday from 8:00 am to 4:30 pm (EST) and on alternate Mondays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid, can be reached on (703) 308-0640 (*note after Oct. 20th number will be changed to (571) 272-4063*).

The fax number for the organization where this application or proceeding is assigned are as follows:

(703) 746-7238 [After Final Communication]

(703) 872-9306 [Official Communication]

(703) 746-9915 [For status inquiries, Draft Communication]

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Sajeda Muhebbullah
Patent Examiner
September 28, 2004


KRISTINE KINCAID
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